

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28660 of 2016

Arising Out of PS.Case No. -2526 Year- 2015 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

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Gorakh Kumar Mahto @ Gorakh Mahto Son of Muneshwar Mahto resident
of Village- Kalyanpur,P.S.-Sonpur,P.O.-Baijalpur,District-Saran

.... Petitioner/s

Versus

1. The State of Bihar
2. Ruby Kumari, Wife of Gorakh Kumar Mahto resident of
villageKalyanpur, P.S.- Sonpur, P.O.- Baijalpur, District-Saran

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Archana Sinha @ Archana Shahi
For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 21-07-2016 Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Sections 498A of the
Indian Penal Code and 3/4 of Dowry Prohibition Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the

complainant and is ready to keep the complainant/informant as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:-

“That the petitioner is ready to keep his wife with full dignity and honour.”

It is further submitted that the petitioner has not performed second marriage and the impugned order reflects that the petitioner filed Matrimonial Suit No. 157 of 2015 with a prayer for divorce but it was stand of the petitioner before the learned court below that the petitioner is ready to withdraw the matrimonial suit and ready to keep the complainant, though, statement to that effect has not been made in the petitioner. But, it is orally submitted that the petitioner is ready to withdraw the matrimonial suit and keep the complainant as wife with full dignity and honour.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, East Muzaffarpur in connection

with Complaint Case No. 2526 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the complainant on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

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